

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 94 - 9020

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**ADOPTION OF AMENDMENTS TO THE  
TEXAS CODE OF JUDICIAL CONDUCT**

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**ORDERED:**

1. The amendments to Canons 1, 2, 3, 4, 6, 7 and 8 of the Texas Code of Judicial Conduct, as approved by this Court on June 30, 1993, shall be effective as of March 1, 1994, subject to the following further amendments:

- a. "Should" is changed to "shall" in Canon 2B.
- b. "Sanctions" is changed to "disciplinary action" in Canon 6G(3) and 6H.
- c. "Disciplinary" is omitted in Canon 6G(4).

2. Canon 7 of the Texas Code of Judicial Conduct, as amended through June 26, 1990, is renumbered as Canon 5, but otherwise is unchanged at this time.

3. A copy of the Texas Code of Judicial Conduct, as effective March 1, 1994, is attached as Exhibit A, with changes to the current code noted by strikeouts and highlights.

4. The Supreme Court Task Force on Judicial Ethics is directed, pursuant to its request of December 28, 1993, to continue its study regarding political activity of judges, and to deliver a final report to the Court by June 15, 1994.

5. The Task Force shall conduct public hearings across the state to secure public comment, statements, and other communications concerning these matters. The Task Force shall conduct a public hearing in conjunction with each of the 1994 Regional Judicial Conferences of the Texas Center for the Judiciary at the following locations and times:

Southeast Texas Judicial Conference  
Courtroom, Criminal Justice Center  
16th and Avenue H  
Huntsville, Texas 77341  
February 10, 1994, 5:00 p.m.

South Texas Judicial Conference  
Corpus Christi Ballroom "A", Marriott Hotel  
900 North Shoreline Blvd.  
Corpus Christi, Texas 78401  
March 2, 1994, 4:30 p.m.

Central Texas Judicial Conference  
Hilton Hotel  
2401 East Lamar Blvd.  
Arlington, Texas 76006  
March 23, 1994, 4:30 p.m.

Northeast Texas Judicial Conference  
Sheraton Hotel  
5701 S. Broadway  
Tyler, Texas 75703  
April 7, 1994, 5:00 p.m.

West Texas Judicial Conference  
Fort Worth/Arlington Ballroom  
Lubbock Plaza Hotel  
3201 Loop 289 South  
Lubbock, Texas 79423  
April 20, 1994, 4:30 p.m.

The Task Force shall conduct such further public hearings as it deems necessary and advisable.

6. The Task Force is directed to afford such notice about, keep such records of, and elicit such information at these hearings as to enable the State, should it be necessary or desirable to do so, to seek preclearance of any adopted changes under Section 5 of the

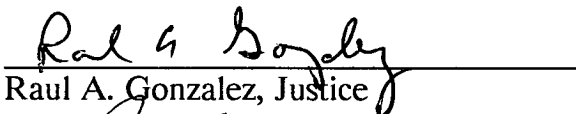
Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c either by declaratory judgment in the United States District Court for the District of Columbia or submission to the United States Attorney General. 28 C.F.R. § 51.1 *et seq.*

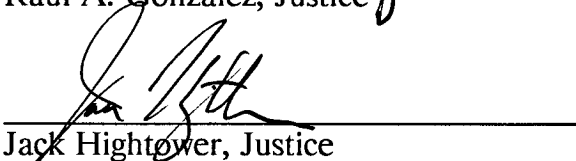
7. The Court respectfully requests all interested members of the bench, the bar, and the public to offer public comment, either in person at the public hearings or in writing, regarding these matters. Such comments are encouraged to address whether any changes, including in particular, but not limited to, the proposed new Canon 5 and amendments to Canon 6 attached as Exhibit B, will or will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. Written comments may be directed to the Supreme Court Task Force on Judicial Ethics, c/o John Adams, Clerk of the Supreme Court of Texas, P.O. Box 12248, Austin, Texas 78711.

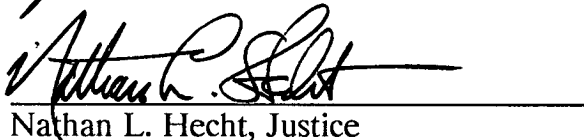
8. The Task Force is authorized to request the Office of Court Administration to provide any necessary technical support in complying with this Order.

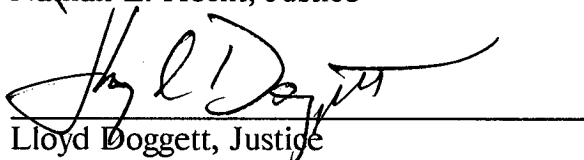
9. This Order supersedes Misc. Docket No. 93-0132 of June 30, 1993 and Misc. Docket No. 93-0233 of November 4, 1993.

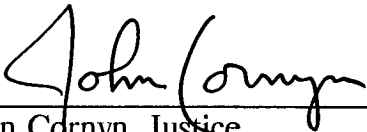
  
Thomas R. Phillips, Chief Justice


  
Raul A. Gonzalez, Justice

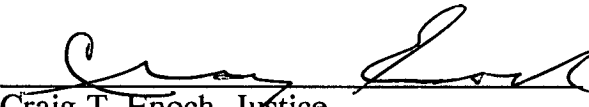
  
Jack Hightower, Justice

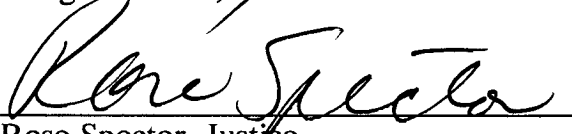
  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig T. Enoch, Justice

  
Rose Spector, Justice

SIGNED this 24<sup>th</sup> day of January, 1994.

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**TEXAS CODE OF JUDICIAL CONDUCT**  
**To be effective March 1, 1994**

(The following text is the current Texas Code with words struck where deleted and **words** printed in bold and underlined where added.)

**PREAMBLE**

**Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code of Judicial Conduct are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.**

**The Code of Judicial Conduct is not intended as an exhaustive guide for the conduct of judges. They should also be governed in their judicial and personal conduct by general ethical standards. The Code is intended, however, to state basic standards which should govern the conduct of all judges and to provide guidance to assist judges in establishing and maintaining high standards of judicial and personal conduct.**

**CANON 1**

**A JUDGE SHOULD UPHOLDING THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY**

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing **high standards of conduct**, and should **personally** observe **those** high standards of ~~conduct~~ so that the integrity and independence of the judiciary is preserved. The provisions of this Code shall **are to** be construed and applied to further that objective.

**CANON 2**

**A JUDGE SHOULD AVOIDING IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES**

A. A judge should ~~respect and~~ **shall** comply with the law and should ~~conduct himself or herself~~ **act** at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should **shall** not allow **any** family, social, or other relationships to influence his or her judicial conduct or judgment. A judge should **shall** not lend the prestige of his or her **judicial** office to advance the private interests of himself or herself **the judge** or others'; nor; should **shall** he or she **a judge** convey or permit others to convey the impression that they are in a special position to influence him or her **the judge**. A judge should **shall** not testify voluntarily in an adjudicative proceeding as a character witness.

1 C. A judge shall not knowingly hold membership in any organization that  
2 practices invidious discrimination on the basis of race, sex, religion or national  
3 origin.

4  
5 CANON 3

6  
7 A JUDGE SHOULD PERFORMING THE DUTIES OF JUDICIAL OFFICE  
8 IMPARTIALLY AND DILIGENTLY

9  
10 A. Judicial Duties in General. The judicial duties of a judge take precedence over  
11 all the judge's other activities. Judicial duties include all the duties of the judge's office  
12 prescribed by law. In the performance of these duties, the following standards apply:

13  
14 AB. Adjudicative Responsibilities.

15  
16 (1) A judge shall hear and decide matters assigned to the judge  
17 except those in which disqualification is required or recusal is appropriate.

18  
19 (42) A judge should be faithful to the law and shall maintain professional  
20 competence in it. A judge should shall not be unswayed by partisan interests, public clamor, or  
21 fear of criticism.

22  
23 (23) A judge should shall maintain require order and decorum in proceedings  
24 before him or her the judge.

25  
26 (34) A judge should shall be patient, dignified, and courteous to litigants, jurors,  
27 witnesses, lawyers, and others with whom he or she the judge deals in his or her an official  
28 capacity, and should require similar conduct of lawyers, and of the staff, court officials, and others  
29 subject to the judge's direction and control.

30  
31 (95) A judge shall perform judicial duties without bias or prejudice.

32  
33 (6) A judge shall not, in the performance of judicial duties, by words or conduct  
34 manifest bias or prejudice, by words or conduct including but not limited to bias or  
35 prejudice based upon race, sex, religion, national origin, disability, age, sexual  
36 orientation or socioeconomic status, and shall not knowingly permit staff, court officials  
37 and others subject to the judge's direction and control to do so.

38  
39 (7) A judge shall require lawyers in proceedings before the court to refrain from  
40 manifesting, by words or conduct, bias or prejudice based on race, sex, religion, or national  
41 origin, disability, age, sexual orientation or socioeconomic status against parties,  
42 witnesses, counsel or others. This requirement does not preclude legitimate  
43 advocacy when any of these factors is an issue in the proceeding. *\*\*[Current*  
44 *subsection 6 moved to new subsection 10]\*\**

45  
46 (48) A judge shall accord to every person who is has a legally interested in a  
47 proceeding, or his or her that person's lawyer, full the right to be heard according to law. (5) A  
48 judge, ~~except as authorized by law,~~ shall not directly or indirectly initiate, permit, nor consider ex  
49 parte communications or other private communications made to the judge outside the  
50 presence of the parties between the judge and a party, an attorney, a guardian or  
51 attorney ad litem, an alternative dispute resolution neutral, or any other court  
52 appointee concerning the merits of a pending or impending judicial proceeding. A judge shall  
53 require compliance with this subsection by court personnel subject to his or her the judge's  
54 direction and control. This subsection does not prohibit:

1  
2 (a) communications concerning uncontested administrative or uncontested  
3 procedural matters;

4  
5 (b) conferring separately with the parties and/or their lawyers in an effort to  
6 mediate or settle matters, provided, however, that the judge shall first give notice to all parties and  
7 not thereafter hear any contested matters between the parties except with the consent of all parties;

8  
9 (c) obtaining the advice of a disinterested expert on the law applicable to a  
10 proceeding before the judge if the judge gives notice to the parties of the person consulted and the  
11 substance of the advice, and affords the parties reasonable opportunity to respond;

12  
13 (d) consulting with other judges or with court personnel.

14  
15 **(e) considering an ex parte communication expressly**  
16 **authorized by law.**

17  
18 **(79) A judge should dispose of all judicial matters promptly, efficiently and**  
19 **fairly. of the business of the court.**

20  
21 **(810) A judge shall abstain from public comment about a pending or**  
22 **impending proceeding which may come before the judge's court in a manner which suggests to a**  
23 **reasonable person the judge's probable decision on any particular case. A ~~The~~ judge shall require**  
24 **similar abstention on the part of court personnel subject to the judge's direction and control. This**  
25 **subsection does not prohibit judges from making public statements in the course of their official**  
26 **duties or to ~~from~~ explaining for public information the procedures of the court. This**  
27 **limitation section does not apply to a judge in proceedings in which the judge is a party. litigant**  
28 **in a personal capacity.**

29  
30 **(611) A judge shall not disclose or use, for any purpose**  
31 **unrelated to judicial duties, nonpublic information acquired in a judicial capacity.**  
32 **The discussions, votes, positions taken, and writings of appellate judges and court personnel**  
33 **about causes are confidences of the court and shall not be revealed at any time, except by the only**  
34 **through a court's judgment, and a written opinion or in accordance with Supreme Court**  
35 **guidelines for a court approved history project.**

36  
37 **BC. Administrative Responsibilities.**

38  
39 (1) A judge should diligently **and promptly** discharge all **the judge's**  
40 **administrative responsibilities, without bias or prejudice and** maintain professional  
41 **competence in judicial administration, and facilitate the performance of the administrative**  
42 **responsibilities of should cooperate with other judges and court officials. in the**  
43 **administration of court business.**

44  
45 (2) A judge should require his or her staff, and court officials **and others** subject  
46 **to the judge's direction and control to observe the standards of this Code. fidelity and**  
47 **diligence that apply to the judge and to refrain from manifesting bias or prejudice**  
48 **in the performance of their official duties.**

49  
50 (3) A judge should take or initiate appropriate disciplinary measures against a  
51 **lawyer for unprofessional conduct of which the judge may become aware. ~~\*\*[See new Canon~~**  
52 **3D(2)]\*\* A judge with supervisory authority for the judicial performance of other**  
53 **judges should take reasonable measures to assure the prompt disposition of**

1 matters before them and the proper performance of their other judicial  
2 responsibilities.

3  
4 (4) A judge shall not make unnecessary appointments. A judge shall exercise his  
5 or her the power of appointment impartially and only on the basis of merit. A judge shall  
6 avoiding nepotism and favoritism. A judge shall not approve compensation of appointees beyond  
7 the fair value of services rendered.

8  
9 D. Disciplinary Responsibilities.

10  
11 (1) A judge who receives information clearly establishing that  
12 another judge has committed a violation of this Code should take appropriate  
13 action. A judge having knowledge that another judge has committed a violation  
14 of this Code that raises a substantial question as to the other judge's fitness for  
15 office shall inform the State Commission on Judicial Conduct or take other  
16 appropriate action.

17  
18 (2) A judge who receives information clearly establishing that a  
19 lawyer has committed a violation of the Texas Disciplinary Rules of Professional  
20 Conduct should take appropriate action. A judge having knowledge that a lawyer  
21 has committed a violation of the Texas Disciplinary Rules of Professional  
22 Conduct that raises a substantial question as to the lawyer's honesty,  
23 trustworthiness or fitness as a lawyer in other respects shall inform the Office of  
24 the General Counsel of the State Bar of Texas or take other appropriate action.

25  
26 C. Personal Affairs—Responsibilities.

27  
28 (1) ~~A judge should be informed about his or her personal and fiduciary financial~~  
29 ~~interests, and make a reasonable effort to be informed about the personal financial interests of his~~  
30 ~~or her spouse and minor children residing in his or her household. *\*\*[Moved to new Canon*~~  
31 ~~*4D(3)]\*\**~~

32  
33 (2) ~~For the purposes of this section: *\*\*[See new Canon 8B “Terminology]”\*\**~~

34  
35 (a) ~~“fiduciary” includes such relationships as executor, administrator,~~  
36 ~~trustee, and guardian;~~

37  
38 (b) ~~“financial interest” means ownership of a legal or equitable interest,~~  
39 ~~however small, or a relationship as director, advisor, or other active participant in the affairs of a~~  
40 ~~party, except that:~~

41  
42 (i) ~~ownership in a mutual or common investment fund that holds~~  
43 ~~securities is not a “financial interest” in such securities unless the judge participates in the~~  
44 ~~management of the fund;~~

45  
46 (ii) ~~an office in an educational, religious, charitable, fraternal, or~~  
47 ~~civil organization is not a “financial interest” in securities held by the organization;~~

48  
49 (iii) ~~the proprietary interest of a policy holder in a mutual insurance~~  
50 ~~company, of a depositor in a mutual savings association, or a similar proprietary interest, is a~~  
51 ~~“financial interest” in the organization only if the outcome of the proceeding could substantially~~  
52 ~~affect the value of the interest; and~~  
53



1 (iv) — ownership of government securities is a "financial interest" in  
2 the issuer only if the outcome of the proceeding could substantially affect the value of the  
3 securities.

4 CANON 4

5  
6 A Judge may engage in activities to improve the law, the legal system, and the  
7 administration of justice.

8  
9 A judge, subject to the proper performance of judicial duties, may engage in the following  
10 quasi-judicial activities, if in doing so the judge does not cast doubt on his or her capacity to decide  
11 impartially any issue that may come before the court:

12  
13 A. — A judge may speak, write, lecture, teach, and participate in other activities concerning  
14 the law, the legal system, and the administration of justice.

15  
16 B. — A judge may appear at a public hearing before an executive or legislative body or  
17 official on matters concerning the law, the legal system, and the administration of justice, and a  
18 judge may otherwise consult with an executive or legislative body or official, but only on matters  
19 concerning the administration of justice.

20  
21 C. — A judge may serve as a member, officer, or director of an organization or  
22 governmental agency devoted to the improvement of the law, the legal system, or the  
23 administration of justice. A judge may assist such an organization in raising funds and may  
24 participate in their management and investment, but should not personally participate in public fund  
25 raising activities. He or she may make recommendations to public and private fund-granting  
26 agencies on projects and programs concerning the law, the legal system, and the administration of  
27 justice.

28  
29 CANON 4 5

30  
31 A JUDGE SHOULD CONDUCTING THE JUDGE'S REGULATE EXTRA-  
32 JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL DUTIES  
33 OBLIGATIONS

34  
35 A. Extra-judicial activities in General. A judge shall conduct all of the  
36 judge's extra-judicial activities so that they do not:

37  
38 (1) cast reasonable doubt on the judge's capacity to act impartially as  
39 a judge; or

40  
41 (2) interfere with the proper performance of judicial duties.

42  
43 AB. Avocational Activities. A judge may speak, write, lecture, teach, and speak on non-  
44 legal subjects, and engage in the arts, sports, and participate in other social and recreational  
45 extra-judicial activities, if such avocational activities do not detract from the dignity of his or her  
46 office or interfere with the performance of judicial duties. A judge may write, lecture, teach, and  
47 speak on legal subjects as well, as long as such participation does not involve the giving of legal  
48 advice, nor detract from his or her office concerning the law, the legal system, the  
49 administration of justice and non-legal subjects, subject to the requirements of  
50 this Code.

51  
52 BC. Civic and or Charitable Activities. A judge may participate in civic and charitable  
53 activities that do not reflect adversely upon his or her the judge's impartiality or interfere with the  
54 performance of his or her judicial duties. A judge may serve as an officer, director, trustee or

1 non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not  
2 conducted for the economic or political advantage **profit** of its members, subject to the following  
3 limitations:

4  
5 (1) A judge should not serve if it is likely that the organization will be engaged in  
6 proceedings that would ordinarily come before ~~him or her~~ **the judge** or will be regularly or  
7 frequently engaged in adversary proceedings in any court.

8  
9 (2) A judge shall not solicit funds for any educational, religious, charitable,  
10 fraternal or civic organization, but may be listed as an officer, director, delegate, or trustee of such  
11 an organization, and may be a speaker or a guest of honor at an organization's fund raising events.

12  
13 (3) A judge should not give investment advice to such an organization, but may  
14 serve on its board of directors or trustees even though it has the responsibility for approving  
15 investment decisions.

16  
17 **ED. Financial Activities.**

18  
19 (1) A judge ~~should~~ **shall** refrain from financial and business dealings that tend to  
20 reflect adversely on the judge's impartiality, interfere with the proper performance of the judicial  
21 duties, exploit his or her judicial position, or involve the judge in frequent transactions with  
22 lawyers or persons likely to come before the court on which the judge serves. This limitation does  
23 not prohibit either a judge or candidate from soliciting funds for appropriate campaign or  
24 officeholder expenses as permitted by state law.

25  
26 (2) Subject to the requirements of subsection (1), a judge may hold and manage  
27 investments, including real estate, and engage in other remunerative activity including the operation  
28 of a business. A judge ~~should~~ **shall** not be an officer, director or manager of a publicly owned  
29 business. For purposes of this Canon, a "publicly owned business" is a business having more  
30 than ten owners who are not related to the judge by consanguinity or affinity within the third  
31 degree **of relationship**.

32  
33 (3) A judge should manage ~~his or her~~ **any** investments and other ~~financial~~  
34 **economic** interests to minimize the number of cases in which ~~he or she~~ **the judge** is disqualified.  
35 As soon as the judge can do so without serious financial detriment, ~~he or she~~ **the judge** should  
36 divest himself or herself of investments and other ~~financial~~ **economic** interests that might require  
37 frequent disqualification. A judge ~~should~~ **shall** be informed about ~~his or her~~ **the judge's**  
38 personal and fiduciary **economic** interests, and make a reasonable effort to be informed about the  
39 personal ~~financial~~ **economic** interests of ~~his or her spouse and minor children~~ **any family**  
40 **member** residing in ~~his or her~~ **the judge's** household. *\*\*[Last sentence moved from current*  
41 *Canon 3C(1)]\*\**

42  
43 (4) Neither a judge nor a **family** member ~~of his or her family~~ residing in ~~his or~~  
44 ~~her~~ **the judge's** household ~~should~~ **shall** accept a gift, bequest, favor, or loan from anyone  
45 except as follows:

46  
47 (a) a judge may accept a gift incident to a public testimonial to ~~him or her~~  
48 **the judge**; **books and other resource materials** supplied by publishers on a complimentary  
49 basis for official use; or an invitation to the judge and spouse to attend a bar-related function or  
50 activity devoted to the improvement of the law, the legal system, or the administration of justice;

51  
52 (b) a judge or a **family** member ~~of his or her family~~ residing in the  
53 **judge's** household may accept ordinary social hospitality; a gift, bequest, favor, or loan from a  
54 relative; a wedding or engagement gift **from a friend for a special occasion such as a**

1 wedding, engagement, anniversary, or birthday, if the gift is fairly commensurate  
2 with the occasion and the relationship; a loan from a lending institution in its regular course  
3 of business on the same terms generally available to persons who are not judges; or a scholarship  
4 or fellowship awarded on the same terms applied to other applicants;

5  
6 (c) a judge or a family member of ~~his or her~~ family residing in the  
7 judge's household may accept any other gift, bequest, favor, or loan only if the donor is not a  
8 party or person whose interests have come or are likely to come before the judge.

9  
10 (d) a gift, award or benefit incident to the business,  
11 profession or other separate activity of a spouse or other family member residing  
12 in the judge's household, including gifts, awards and benefits for the use of both  
13 the spouse or other family member and the judge (as spouse or family member),  
14 provided the gift, award or benefit could not reasonably be perceived as intended  
15 to influence the judge in the performance of judicial duties;

16  
17 (5) ~~For the purposes of this section "member of his or her family residing in the~~  
18 ~~household" means any relative of a judge by blood or marriage, or a person treated by a judge as a~~  
19 ~~member of his or her family, who resides in the household. \*\*[See new Canon 8B~~  
20 ~~"Terminology"]\*\*~~

21  
22 (6) ~~Information acquired by a judge in his or her judicial capacity should not be~~  
23 ~~used or disclosed by the judge in financial dealings or for any other purpose not related to his or~~  
24 ~~her judicial duties. \*\*[See new Canon 3B(10)]\*\*~~

25  
26 DE. Fiduciary Activities.

27  
28 (1) A judge should shall not serve as the executor, administrator, or other  
29 personal representative, trustee, guardian, attorney in fact or other fiduciary, except for the  
30 estate, trust, or person of a member of ~~his or her~~ the judge's family; and then only if such  
31 service will not interfere with the proper performance of judicial duties. ~~"Member of his or her~~  
32 ~~family" includes a spouse, child, grandchild, parent, grandparent, or other relative or person with~~  
33 ~~whom the judge maintains a close familial relationship. As a family fiduciary a judge is subject to~~  
34 ~~the following restrictions:~~

35  
36 (12) A judge should shall not serve as a fiduciary if it is likely that the judge  
37 as a fiduciary ~~he or she~~ will be engaged in proceedings that would ordinarily come before the  
38 judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on  
39 which ~~he or she~~ the judge serves or one under its appellate jurisdiction.

40  
41 (23) ~~While acting as a fiduciary a judge is subject to~~ Tthe same restrictions on  
42 financial activities that apply to the a judge in his or her personally also apply to the judge  
43 while acting in a fiduciary capacity.

44  
45 EF. Arbitration Service as Arbitrator or Mediator. An active full-time judge shall  
46 not act as an arbitrator or mediator for compensation outside the judicial system, but a judge may  
47 encourage settlement in the performance of official duties.

48  
49 FG. Practice of Law. A judge should shall not practice law except as permitted by  
50 statute or this Code. Notwithstanding this prohibition, a judge may act pro se and  
51 may, without compensation, give legal advice to and draft or review documents  
52 for a member of the judge's family.

1           **G.H. Extra-Judicial Appointments.** A judge should not accept appointment to a  
2 governmental committee, commission, or other position that is concerned with issues of  
3 fact or policy on matters other than the improvement of the law, the legal system, or the  
4 administration of justice. A judge, however, may represent his or her country, state, or  
5 locality on ceremonial occasions or in connection with historical, educational, and cultural  
6 activities.

7  
8 **CANON 6.**

9  
10 ~~A JUDGE SHOULD REGULARLY FILE REPORTS OF COMPENSATION~~  
11 ~~RECEIVED FOR QUASI-JUDICIAL AND EXTRA-JUDICIAL ACTIVITIES~~

12  
13 **I. Compensation, Reimbursement and Reporting.**

14  
15           **(1) Compensation and Reimbursement.** A judge may receive  
16 compensation and reimbursement of expenses for the ~~quasi-judicial and extra-judicial~~  
17 activities permitted by this Code, if the source of such payments does not give the  
18 appearance of influencing the judge's **performance of** ~~in his or her~~ judicial duties or  
19 otherwise give the appearance of impropriety, ~~subject to the following restrictions:~~

20  
21           **(a)A. Compensation.** Compensation should **shall** not exceed a  
22 reasonable amount nor ~~should~~ **shall** it exceed what a person who is not a judge would  
23 receive for the same activity.

24  
25           **(b)B. Expense Reimbursement.** Expense reimbursement ~~should~~  
26 **shall** be limited to the actual cost of travel, food, and lodging reasonably incurred by the  
27 judge and, where appropriate to the occasion, by ~~his or her~~ **the judge's** family. Any  
28 payment in excess of such an amount is compensation.

29  
30           **(2)C. Financial Public Reports.** A judge ~~should~~ **shall** file financial and  
31 other reports as required by law.

32  
33 **CANON 57.**

34  
35 ~~A JUDGE SHALL REFRAINING FROM **INAPPROPRIATE** POLITICAL~~  
36 ~~ACTIVITY **INAPPROPRIATE TO THE JUDICIARY**~~

37  
38           (1) A judge or judicial candidate shall not make statements that indicate an  
39 opinion on any issue that may be subject to judicial interpretation by the office which is  
40 being sought or held, except that discussion of an individual's judicial philosophy is  
41 appropriate if conducted in a manner which does not suggest to a reasonable person a  
42 probable decision on any particular case.

43  
44           (2) A judge or judicial candidate shall not make pledges or promises of conduct  
45 in office regarding judicial duties other than the faithful and impartial performance of the  
46 duties of the office, but may state a position regarding the conduct of administrative duties.  
47 Any statement of qualifications, record, or performance in office of either the candidate or  
48 the candidate's opponent should be such as can withstand the closest scrutiny as to  
49 accuracy, candor and fairness.

50  
51           (3) A judge or judicial candidate shall not authorize the public use of his or her name  
52 endorsing another candidate for any public office, except that either may indicate support for a

1 political party. A judge or judicial candidate may attend political events and express his or her  
2 views on political matters in accord with this Canon and Canon 3A(8)**B(9)**.  
3

4 **CANON 68**

5  
6 **COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT**  
7

8 **A.**—**DEFINITIONS.** For purposes of application of this Code: *\*\*[Definitions moved to*  
9 *Canon 8(14)-(19)]\*\**

10  
11 (1) —“Retired Judge” means a person who receives from the Texas Judicial Retirement  
12 System, Plan One or Plan Two, an annuity based on service that was credited to the system.  
13 (Secs. 41.001 and 71.001, Title 110B, V.T.C.S.)  
14

15 (2) —“Senior Judge” means a retired appellate or district judge who has consented to be  
16 subject to assignment pursuant to Section 75.001, Government Code. (Ch. 359, 69th Legislature,  
17 Reg. Session (1985))  
18

19 (3) —“Statutory County Court Judge” means the judge of a county court created by the  
20 legislature under Article V, Section 1, of the Texas Constitution, including county courts at law,  
21 statutory probate courts, county criminal courts, county criminal courts of appeals, and county civil  
22 courts at law. (Sec. 21.008, Government Code)  
23

24 (4) —“County Judge” means the judge of the county court created in each county by Article  
25 V, Section 15, of the Texas Constitution. (Sec. 21.008, Government Code)  
26

27 (5) —“Part time” means service on a continuing or periodic basis, but with permission by  
28 law to devote time to some other profession or occupation and for which the compensation for that  
29 reason is less than that for full time service.—  
30

31 (6) —“Judge Pro Tempore” means a person who is appointed to act temporarily as a judge.  
32

33 **BA.** The following persons shall comply with all provisions of this Code:  
34

35 (1) An active, full-time justice or judge of one of the following courts:  
36

- 37 (a) the Supreme Court,
- 38 (b) the Court of Criminal Appeals,
- 39 (c) courts of appeals,
- 40 (d) district courts,
- 41 (e) criminal district courts, and
- 42 (f) statutory county courts.

43  
44  
45  
46  
47  
48 (2) A full-time commissioner, master, magistrate, or referee of a court listed in (1)  
49 above.  
50

51  
52 **CB.** A County Judge who performs judicial functions shall comply with all provisions of  
53 this Code except he or she **the judge** is not required to comply:  
54

1 (1) when engaged in duties which relate to the judge's role in the administration of the  
2 county;

3  
4 (2) with Canons ~~5B(2)~~, ~~5C(2)~~**4D(2)**, ~~5C(3)~~**4D(3)**, **or 5G4H**; ~~or 7(2)~~;

5  
6 (3) with Canon ~~5F4G~~, except practicing law in the court on which he or she serves or in  
7 any court subject to the appellate jurisdiction of the county court, or acting as a lawyer in a  
8 proceeding in which he or she has served as a judge or in any proceeding related thereto.

9  
10 **DC.** Justices of the Peace and Municipal Court Judges.

11  
12 (1) A justice of the peace or municipal court judge shall comply with all provisions of  
13 this Code, except ~~he or she~~ **the judge** is not required to comply:

14  
15 (a) with Canon ~~3A(5)~~**3B(7)** pertaining to ex parte communications; in lieu thereof  
16 a justice of the peace or municipal court judge shall comply with ~~8D6C(2)~~ below;

17  
18 (b) with Canons 3A(6), 5B(2), ~~5C(2)~~**4D(2)**, ~~5C(3)~~**4D(3)**, ~~5D4E~~, **or 5G4H** ~~or~~  
19 ~~7(2)~~;

20  
21 (c) with Canon ~~5E4F~~, unless the court on which ~~he or she~~ **the judge** serves may  
22 have jurisdiction of the matter or parties involved in the arbitration or mediation; or

23  
24 (d) if an attorney, with Canon ~~5F4G~~, except practicing law in the court on which  
25 he or she serves, or acting as a lawyer in a proceeding in which he or she has served  
26 as a judge or in any proceeding related thereto.

27  
28 (2) A justice of the peace or a municipal court judge, except as authorized by law, shall  
29 not directly or indirectly initiate, permit, nor consider ex parte or other communications concerning  
30 the merits of a pending judicial proceeding. This subsection does not prohibit communications  
31 concerning:

32  
33 (a) uncontested administrative matters,

34  
35 (b) uncontested procedural matters,

36  
37 (c) magistrate duties and functions,

38  
39 (d) determining where jurisdiction of an impending claim or dispute may lie,

40  
41 (e) determining whether a claim or dispute might more appropriately be resolved  
42 in some other judicial or non-judicial forum,

43  
44 (f) mitigating circumstances following a plea of nolo contendere or guilty for a  
45 fine-only offense, or

46  
47 (g) any other matters where ex parte communications are contemplated or  
48 authorized by law.

49  
50 **ED.** A Part-time commissioner, master, magistrate, or referee of a court listed in  
51 ~~8B(1)~~**6A(1)** above:

52  
53 (1) shall comply with all provisions of this Code, except he or she is not required to  
54 comply with Canons ~~5C(2)~~**4D(2)**, ~~5D4E~~, ~~5E4F~~, ~~5F4G~~ or ~~5G4H~~, and

1  
2 (2) should not practice law in the court which he or she serves or in any court subject to  
3 the appellate jurisdiction of the court which he or she serves, or act as a lawyer in a proceeding in  
4 which he or she has served as a commissioner, master, magistrate, or referee, or in any other  
5 proceeding related thereto.

6  
7 **FE.** A Judge Pro Tempore, while acting as such:

8  
9 (1) shall comply with all provisions of this Code applicable to the court on which he or  
10 she is serving, except he or she is not required to comply with Canons ~~5C(2)4D(2)~~, ~~5C(3)4D(3)~~,  
11 ~~5D4E~~, ~~5E4F~~, ~~5F4G~~ or ~~5G4H~~, and

12  
13 (2) after serving as a judge pro tempore, should not act as a lawyer in a proceeding in  
14 which he or she has served as a judge or in any other proceeding related thereto.

15  
16 **GF.** A Senior Judge, or a former district judge or a retired or former statutory county court  
17 judge who has consented to be subject to assignment as a judicial officer:

18  
19 (1) shall comply with all the provisions of this Code except he or she is not required to  
20 comply with Canon ~~5C(2)4D(2)~~, ~~5D4E~~, ~~5E4F~~, ~~5F4G~~, or ~~5G4H~~, but

21  
22 (2) should refrain from judicial service during the period of an extra-judicial appointment  
23 permitted by Canon ~~5G4H~~.

24  
25 **JG.** Candidates for Judicial Office.

26  
27 (1) Any person seeking elective judicial office listed in Canon ~~8B(1)6A(1)~~ shall be  
28 subject to the same standards of Canon ~~75~~ that are required of members of the judiciary.

29  
30 (2) Any judge who violates this Code shall be subject to sanctions by the State  
31 Commission on Judicial Conduct.

32  
33 (3) Any lawyer who is a candidate seeking judicial office who violates Canon ~~75~~ or other  
34 relevant provisions of this Code is subject to ~~sanctions~~ **disciplinary action** by the State Bar of  
35 Texas.

36  
37 (4) The conduct of any other candidate for elective judicial office, not subject to  
38 paragraphs (2) and (3) of this section, who violates Canon ~~75~~ or other relevant provisions of the  
39 Code is subject to review by the Secretary of State, the Attorney General, or the local District  
40 Attorney for appropriate ~~disciplinary~~ **disciplinary** action.

41  
42 **KH.** Attorneys.

43  
44 Any lawyer who contributes to the violation of Canons ~~3A(5)3B(7)~~, ~~3A(6)3B(10)~~,  
45 ~~5C(4)4D(4)~~, ~~75~~, or ~~8D(3)6C(2)\*~~, or other relevant provisions of this Code, is subject to  
46 ~~sanctions~~ **disciplinary action** by the State Bar of Texas.

47 *\*[\*\*current Code refers to 8D(3); presently there is no 8D(3) and Vernon's has footnote:*  
48 *"probably should be 8D(2)"--which has now been renumbered as 6C(2)\*\*]*

49  
50 **CANON 97**

51  
52 **EFFECTIVE DATE OF COMPLIANCE**

53  
54 A person to whom this Code becomes applicable should arrange his or her affairs as soon

1 as reasonably possible to comply with it.

2  
3 **CANON 40 8**

4  
5 **CONSTRUCTION AND TERMINOLOGY OF THE CODE**

6  
7 **A. CONSTRUCTION**

8  
9 **The Code of Judicial Conduct is intended to establish basic standards for**  
10 **ethical conduct of judges. It consists of specific rules set forth in Sections under**  
11 **broad captions called Canons.**

12  
13 **The Sections are rules of reason, which should be applied consistent with**  
14 **constitutional requirements, statutes, other court rules and decisional law and in**  
15 **the context of all relevant circumstances. The Code is to be construed so as not**  
16 **to impinge on the essential independence of judges in making judicial decisions.**

17  
18 **The Code is designed to provide guidance to judges and candidates for**  
19 **judicial office and to provide a structure for regulating conduct through the State**  
20 **Commission on Judicial Conduct. It is not designed or intended as a basis for**  
21 **civil liability or criminal prosecution. Furthermore, the purpose of the Code**  
22 **would be subverted if the Code were invoked by lawyers for mere tactical**  
23 **advantage in a proceeding.**

24  
25 **It is not intended, however, that every transgression will result in**  
26 **disciplinary action. Whether disciplinary action is appropriate, and the degree of**  
27 **discipline to be imposed, should be determined through a reasonable and reasoned**  
28 **application of the text and should depend on such factors as the seriousness of**  
29 **the transgression, whether there is a pattern of improper activity and the effect of**  
30 **the improper activity on others or on the judicial system.**

31  
32 **B. TERMINOLOGY**

33  
34 **1. The word shall "Shall" or "shall not" denotes binding obligations the**  
35 **violation of which can result in disciplinary action when used in this Code means**  
36 **compulsion.**

37  
38 **2. The word should "Should" or "should not" relates to aspirational goals**  
39 **and as a statement of what is or is not appropriate means conduct but not as a**  
40 **binding rule under which a judge may be disciplined that is morally or ethically**  
41 **appropriate.**

42  
43 **3. "May" denotes permissible discretion or, depending on the context,**  
44 **refers to action that is not covered by specific proscriptions.**

45  
46 **4. "De minimis" denotes an insignificant interest that could not raise**  
47 **reasonable question as to a judge's impartiality.**

48  
49 ***\*\*[5 below moved from current Canon 3C((2)]\*\****

50  
51 **5. "financial "Economic interest" means denotes ownership of a more than de**  
52 **minimis legal or equitable interest, however small, or a relationship as officer, director, advisor**  
53 **or other active participant in the affairs of a party, except that:**



1  
2 (i) ownership of an interest in a mutual or common investment fund that holds  
3 securities is not a "~~financial~~ an economic interest" in such securities unless the judge participates  
4 in the management of the fund or a proceeding pending or impending before the judge  
5 could substantially affect the value of the interest;

6  
7 (ii) an office service by a judge as an officer, director, advisor or  
8 other active participant, in an educational, religious, charitable, fraternal, or civic organization  
9 or service by a judge's spouse, parent or child as an officer, director, advisor or  
10 other active participant in any organization is not a "~~financial~~ does not create an  
11 economic interest" in securities held by the that organization;

12  
13 (iii) a deposit in a financial institution, the proprietary interest of a policy  
14 holder in a mutual insurance company, of a depositor in a mutual savings association or of a  
15 member in a credit union, or a similar proprietary interest, is a "~~financial interest~~" not an  
16 economic interest in the organization ~~only if the outcome of the~~ unless a proceeding  
17 pending or impending before the judge could substantially affect the value of the interest;  
18 and

19  
20 (iv) ownership of government securities is a "~~financial interest~~" not an economic  
21 interest in the issuer ~~only if the outcome of the proceeding~~ unless a proceeding pending or  
22 impending before the judge could substantially affect the value of the securities.

23  
24 6. "Fiduciary" includes such relationships as executor, administrator,  
25 trustee, and guardian.

26  
27 7. "Invidious discrimination" cannot be determined from a mere  
28 examination of an organization's current membership rolls but rather depends  
29 upon how the organization selects members and other relevant factors, such as  
30 that the organization is dedicated to the preservation of religious, ethnic or  
31 cultural values of legitimate common interests to its members, or that it is in fact  
32 and effect an intimate, purely private organization whose membership limitations  
33 could not be constitutionally prohibited. Absent such factors, an organization is  
34 generally said to discriminate invidiously if it arbitrarily excludes from  
35 membership on the basis of race, religion, sex or national origin persons who  
36 would otherwise be admitted to membership.

37  
38 8. "Knowingly," "knowledge," "known" or "knows" denotes actual  
39 knowledge of the fact in question. A person's knowledge may be inferred from  
40 circumstances.

41  
42 9. "Law" denotes court rules as well as statutes, constitutional  
43 provisions and decisional law.

44  
45 10. "Member of the judge's (or the candidate's) family" denotes a spouse,  
46 child, grandchild, parent, grandparent or other relative or person with whom the  
47 candidate maintains a close familial relationship.

48  
49 11. "Family member residing in the judge's household" means any relative  
50 of a judge by blood or marriage, or a person treated by a judge as a member of  
51 the judge's family, who resides at the judge's household.

52  
53 12. "Require." The rules prescribing that a judge "require" certain  
54 conduct of others are, like all of the rules in this Code, rules of reason. The use

1 of the term "require" in that context means a judge is to exercise reasonable  
2 direction and control over the conduct of those persons subject to the judge's  
3 direction and control.

4  
5 13. "Third degree of relationship." The following persons are relatives  
6 within the third degree of relationship: great-grandparent, grandparent, parent,  
7 uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece.

8  
9 *\*\*[14 - 19 below moved from current Canon 8A(1) - (6)]\*\**

10  
11 14. "Retired Judge" means a person who receives from the Texas Judicial Retirement  
12 System, Plan One or Plan Two, an annuity based on service that was credited to the system. (See:  
13 41.001 and 71.001, Title 110B, V.T.C.S.) (Secs. 831.001 and 836.001, V.T.C.A.  
14 Government Code [Ch. 179, Sec. 1, 71st Legislature (1989)])

15  
16 15. "Senior Judge" means a retired appellate or district judge who has consented to be  
17 subject to assignment pursuant to Section 75.001, Government Code. ([Ch. 359, 69th Legislature,  
18 Reg. Session (1985)])

19  
20 16. "Statutory County Court Judge" means the judge of a county court created by the  
21 legislature under Article V, Section 1, of the Texas Constitution, including county courts at law,  
22 statutory probate courts, county criminal courts, county criminal courts of appeals, and county civil  
23 courts at law. (Sec. 21.0089, V.T.C.A. Government Code Ch. 2, Sec. 1601(18), 71st  
24 Legislature (1989)])

25  
26 17. "County Judge" means the judge of the county court created in each county by Article  
27 V, Section 15, of the Texas Constitution. (Sec. 21.0089, V.T.C.A. Government Code [Ch. 2,  
28 Sec. 1601(18), 71st Legislature (1989)])

29  
30 18. "Part-time" means service on a continuing or periodic basis, but with permission by  
31 law to devote time to some other profession or occupation and for which the compensation for that  
32 reason is less than that for full-time service.

33  
34 19. "Judge Pro Tempore" means a person who is appointed to act temporarily as a judge.

## CANON 5      REFRAINING FROM INAPPROPRIATE POLITICAL ACTIVITY

(1) A judge or judicial candidate shall not make statements that indicate an opinion on any issue that may be subject to judicial interpretation by the office which is being sought or held, except that discussion of an individual's judicial philosophy is appropriate if conducted in a manner which does not suggest to a reasonable person a probable decision on any particular case.

(2) A judge or judicial candidate shall not:

(i) make pledges or promises of conduct in office regarding judicial duties other than the faithful and impartial performance of the duties of the office, but may state a position regarding the conduct of administrative duties;

(ii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent;

(3) A judge or judicial candidate shall not authorize the public use of his or her name endorsing another candidate for any public office, except that either may indicate support for a political party. A judge or judicial candidate may attend political events and express his or her views on political matters in accord with this Canon and Canon 3B(10).

(4) A judge or judicial candidate shall not solicit or accept political contributions except in connection with an election campaign. Therefore, in addition to any other restrictions imposed by law, a judge or judicial candidate shall not either personally or through others solicit or accept contributions:

(i) earlier than 210 days before the filing deadline for the office sought by the judge or judicial candidate; or

(ii) later than 120 days after the last contested election in which the judge or judicial candidate participates during the election year. If the judge or judicial candidate at that time has unpaid bona fide campaign debt in excess of available unexpended political contributions, contributions may be solicited or accepted after that date to the extent necessary to satisfy that obligation.

(5) Within 180 days of the last contested election in which the judge or judicial candidate participates during the election year, the judge or judicial candidate shall dispose of all unexpended contributions that exceed \$10,000 multiplied by the number of years of the term of office sought. Any contributions disposed of under this provision shall be transferred in one or more of the methods set forth in Tex. Elec. Code § 254.204(a)(1)-(6). This provision is applicable only to contributions accepted on or after the effective date of this provision.

(6) The provisions of (4) and (5) above shall not apply to contributions solicited or accepted solely for one or more of the purposes set forth in Tex. Elec. Code § 253.035(i).

## CANON 6      COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

...  
B. A County Judge who performs judicial functions shall comply with all provisions of the Code except the judge is not required to comply:

...  
(4) with Canon 5(4) or 5(5).

C. ...  
(1) A justice of the peace or municipal court judge shall comply with all provisions of this Code, except the judge is not required to comply:

...  
(e) with Canons 5(4) or 5(5).